

**U. S. Department of Energy
Carlsbad Field Office****MANAGEMENT PROCEDURE****CBFO MP 4.12, Rev. 0**

Effective: 4 April 2006

Expires: 4 April 2008

SUBJECT: NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE

Manager, Carlsbad Field Office: Signature on File

Date: 3/21/06

1.0 PURPOSE

This procedure defines the processes used by the Carlsbad Field Office (CBFO) to implement applicable provisions of the National Environmental Policy Act (NEPA).

2.0 SCOPE

This procedure describes responsibilities and defines processes for preparation and approval of NEPA documents and determinations at the CBFO. This includes determinations that a proposed action is within the scope of existing NEPA documentation and processes for the preparation of Categorical Exclusions, Supplement Analyses, Environmental Assessments, Findings of No Significant Impact, Environmental Impact Statements, and Records of Decision as required by the Department of Energy (DOE) Regulations for implementing NEPA. This procedure also defines how CBFO implements the requirements of DOE Order 450.1B, *National Environmental Policy Act Compliance Program*.

3.0 REFERENCES AND DEFINITIONS**3.1 References**

- The National Environmental Policy Act of 1969 (NEPA)
- The Council on Environmental Quality Regulations for Implementing NEPA (40 CFR Parts 1500-1508)
- Department of Energy NEPA Regulations (10 CFR Part 1021)
- DOE Order 450.1B, Change 1, *DOE NEPA Compliance Program*
- DOE/CBFO 94-1012, *Quality Assurance Program Document (QAPD)*
- CBFO MP 4.4, *Document Preparation and Control*
- CBFO MP 4.2, *Document Review*

3.2 Definitions

NOTE: The definitions in 10 CFR 1021.104 are adopted for this procedure in their entirety.

- **Categorical Exclusion (CX)** – A category of actions for which neither an Environmental Assessment or an Environmental Impact Statement is required.

AVAILABLE ONLINE AT:<http://bellview/cbfo/Procedures/ProcedureManualTOC.htm>**INITIATED BY:**

NEPA Compliance Manager

- **Environmental Assessment (EA)** – A public document that discusses the need for the proposed action and the alternatives for meeting that need, and contains an analysis of the environmental impacts of the proposed action and the alternatives sufficient to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact.
- **Environmental Impact Statement (EIS)** – A detailed statement prepared for major federal actions that discusses the environmental impacts of a proposed action, unavoidable adverse environmental effects of implementing the proposed action, alternatives to the proposed action, the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources that would result from the proposed action.
- **Finding of No Significant Impact (FONSI)** – A document presenting the reasons why an action will not have a significant effect on the human environment.
- **Internal Scoping** – Internal discussions to determine the scope of the required NEPA analysis.
- **NEPA Documents** – Includes Categorical Exclusions, Supplement Analyses, Environmental Assessments, Findings of No Significant Impact, Environmental Impact Statements, NEPA Records of Decision, and notices of intent to prepare or notices of availability of any of these documents.
- **Notice of Intent (NOI)** – A notice that an Environmental Impact Statement will be prepared that describes the proposed action and possible alternatives, describes the proposed public scoping process including the time and location of public scoping meetings, and provides an agency contact to answer questions about the proposed action and the Environmental Impact Statement.
- **Record of Decision (ROD)** – A document based on an Environmental Impact Statement that states the Department of Energy's decision, identifies alternatives consider in reaching that decision, identifies the environmentally preferable alternative, describes the basis for the decision, and states whether means to avoid or minimize environmental harm have been adopted.
- **Supplement Analysis (SA)** – A Department of Energy document used to determine whether a supplemental EIS should be prepared.

4.0 RESPONSIBILITIES

4.1 CBFO Manager

- 4.1.1 Establish a NEPA compliance program.
- 4.1.2 Appoint a CBFO NEPA Compliance Officer.
- 4.1.3 Designate a NEPA document manager.
- 4.1.4 Ensure that internal scoping procedures, a quality assurance plan, and a public participation plan are prepared for CBFO.
- 4.1.5 Other responsibilities as required.

4.2 CBFO NEPA Compliance Officer

- 4.2.1 Advise the CBFO Manager, NEPA document manager, and CBFO staff on NEPA requirements.
- 4.2.2 Develop NEPA procedures.
- 4.2.3 Make Categorical Exclusion determinations.
- 4.2.4 Report NEPA lessons learned and provide copies of approved NEPA documents to the Office of NEPA Policy and Compliance.
- 4.2.5 Notify the Office of NEPA Policy and Compliance of the designation of a document manager.
- 4.2.6 Determine when the impacts of newly proposed actions are clearly within the scope of impacts analyzed in existing NEPA documents.
- 4.2.7 Other responsibilities as required.

4.3 CBFO NEPA Document Manager

- 4.3.1 Establish a team to plan, prepare, and review documents.
- 4.3.2 Conduct required scoping.
- 4.3.3 Manage the document preparation process.
- 4.3.4 Report to the NEPA Compliance Officer on lessons learned.
- 4.3.5 Establish and maintain the administrative record.
- 4.3.6 Ensure that the QA plan is implemented by the preparer.
- 4.3.7 Other responsibilities as required.

4.4 CBFO Legal Counsel

- 4.4.1 Provide legal advice on the application of NEPA to the CBFO Manager, the NEPA Compliance Officer, and NEPA Document Managers.
- 4.4.2 Review NEPA documents for legal sufficiency.

4.5 CBFO Public Affairs Officer

- 4.5.1 Make recommendations to the NEPA document manager concerning appropriate public involvement activities.
- 4.5.2 Assist in the conduct of public involvement activities for CBFO NEPA documents.

4.6 CBFO Employees

Identify proposed actions that might change the environmental impacts of ongoing activities or have additional environmental impacts not previously considered.

5.0 PROCEDURE

5.1 NEPA Determinations

- 5.1.1 All proposed actions identified as potentially requiring additional NEPA documentation shall be referred to the NEPA Compliance Officer for action, along with a completed Washington TRU Solutions (WTS) Site Compliance/NEPA Compliance Request for NEPA Screening checklist (attachment 4 to WP-02-EC3801) for evaluation. For the purposes of this procedure, submission of a NEPA checklist through the WTS procedure by the contractor proposing the action constitutes submission to the NEPA Compliance Officer.
- 5.1.2 The NEPA Compliance Officer shall make NEPA determinations where authorized, or, when not authorized, recommend preparation of an appropriate NEPA document to the CBFO Manager.

5.2 Internal Scoping

- 5.2.1 The purpose of internal scoping is to discuss the range of alternatives initially proposed for analysis, the type of impacts to be analyzed and other issues (e.g., policy or legal issues) that might have a bearing on the analysis. Internal scoping will be conducted for all proposed actions that have been determined to require an EA or an EIS. Internal scoping is optional for a SA.
- 5.2.2 Internal scoping participants will include the NEPA Compliance Officer, the NEPA Document Manager, a representative of the CBFO Legal Counsel; and representatives from organizations proposing the action, organizations expected to supply information for the analysis, and organizations that may be affected by the action. Other organizations or individuals may participate in the internal scoping process at the discretion of the CBFO Manager, the NEPA Compliance Officer or the NEPA Document Manager.

5.3 Public Participation

- 5.3.1 CBFO will conduct public involvement activities for actions that require an EIS or an EA. Public involvement is not required for SAs, but may be conducted when appropriate.
- 5.3.2 CBFO will make drafts of EISs or EAs available for public comment prior to finalizing them.
- 5.3.3 Public involvement activities may include, as appropriate, mailing notice of the proposed action to interested persons, publishing a notice in the Federal Register, public meetings or conference calls, distribution of fact sheets, or any other activity intended to inform members of the public about an action being proposed by CBFO and its environmental impacts.
- 5.3.4 Final NEPA documents will be made available to members of the public upon request if copies exist.

5.4 External Scoping

- 5.4.1 External scoping is required only for EISs. External scoping is optional for Supplemental EISs and for other NEPA documents.
- 5.4.2 At least one public scoping meeting will be held as part of the external scoping process.

5.5 NEPA Document Preparation and Review

5.5.1 NEPA documents shall be prepared in accordance with CBFO MP 4.4, except that:

- A. NEPA document numbers are assigned by DOE Headquarters Office of NEPA Compliance and Assistance, rather than the CBFO Chief Information Officer.
- B. Reviewer comments on NEPA documents may be submitted on Document Review Records (DRRs), as electronic mail messages, marked up copies of the document (either hand written or electronic), or by any other method that effectively captures a reviewer's comments. The resolution of reviewer comments will be documented as part of the administrative record.
- C. Reviewer comments and comment resolutions will be documented by Headquarters once a document is submitted by CBFO to Headquarters for review and approval.

5.6 Document Distribution

5.6.1 Draft EISs and EAs shall be distributed to affected States and Indian tribes and interested members of the public for comment.

5.6.2 Draft EISs shall also be distributed to the Environmental Protection Agency (EPA) regional offices with jurisdiction over the potentially affected sites.

5.6.3 Final EISs and EAs shall be distributed to those parties that received the draft document, except for those parties who have indicated that they do not wish to receive the final document.

5.6.4 All final NEPA documents shall be available to members of the public upon request if copies exist.

6.0 TRAINING AND QUALIFICATIONS

6.1 The NEPA Compliance Officer shall:

- A. Be familiar with the principles of project management.
- B. Have completed at least one course in preparing EISs or have experience in managing the preparation of or reviewing the full range of analyses in at least one EIS.
- C. Have, at a minimum, a working knowledge of NEPA, the Council on Environmental Quality regulations implementing NEPA, DOE Order 450.1 B, DOE NEPA Regulations, and the information and guidance contained in the DOE NEPA Compliance Guide.

6.2 The NEPA Document Manager shall:

- A. Have a working knowledge of the principles of project management.
- B. Have, at a minimum, sufficient familiarity with NEPA, its implementing regulations, and DOE guidance to identify potential NEPA compliance issues and refer them to the NEPA Compliance Officer for resolution.

7.0 QUALITY ASSURANCE

A quality assurance plan shall be prepared for every NEPA document. At a minimum, the plan should specifically address how the preparer will ensure the quality of data inputs to the analysis and the

quality of the analytical output, and should include a plan for software verification and control, as appropriate. The CBFO QAPD contains more details on the quality assurance requirements applicable to NEPA documents.

8.0 RECORDS

- 8.1 It is CBFO practice to document all NEPA determinations. A determination that a proposed action is within the scope of impacts examined in existing NEPA documents is normally documented by the NEPA Compliance Officer's electronic signature in the NEPA database maintained by WTS. CX determinations are documented by completing the CX documentation form (see attachment).
- 8.2 An administrative record must be maintained for each NEPA document prepared. In general, the administrative record should consist of all documents (hard copies, electronic files, slides, pictures, and records) used in preparing the NEPA document and any other documents considered by the decision maker in reaching a decision. The administrative record should include any diverging opinions or criticism of the proposed action and alternatives. The administrative record for an EIS typically should include:
- A. Public notices and the Project Management Plan.
 - B. References and technical studies used in preparing the document and its appendices.
 - C. Draft documents, internal review comments and resolutions, and DOE concurrences.
 - D. Public comments and responses.
 - E. Internal memoranda, e-mail messages, and any other documentation of exchanges of opinion or discussions of substantively important and material issues (e.g., discussions of assumptions and analytical methodology or approach).

9.0 ATTACHMENT

Record of Categorical Exclusion Determination

RECORD OF CATEGORICAL EXCLUSION DETERMINATION¹

Description of Proposed Action

Number and Title of Applicable Categorical Exclusion

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

(1) The proposed action fits within a class of actions that is listed in Appendix A or B to Subpart D

For classes of actions listed in Appendix B, the following conditions are integral elements: i.e., to fit within a class, the proposal must not:

- (1) Threaten a violation of statutory, regulatory, or permit requirements for environment, safety and health, including DOE and/or Executive Orders
- (2) Require siting, construction or major expansion of waste storage, disposal, recovery, or treatment facilities, but may include such categorically excluded facilities;
- (3) Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum/natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases; or
- (4) Adversely affect environmentally sensitive resources (including but not limited to those listed in paragraph B.(4)).²

(2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and

(3) The proposal is not “connected” to other actions with potentially significant impacts, is not related to other actions with cumulatively significant impacts, and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211.

Determination:

Based on my review of information conveyed to me and in my possession concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1A), I have determined that the proposed action fits within the specified class of actions, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Signature
NEPA Compliance Officer, Carlsbad Field Office

Date

¹ May be incorporated in its entirety into other environmental review records.

² All reviews and discussions supporting the “not adversely affect” determination have been completed.